

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>ARLEEN KOSAK, individually and on behalf of all others similarly situated, Plaintiff, v. NEW YORK MEDIA HOLDINGS, LLC. Defendant.</p>	<p>Case No. 2:22-cv-11850-MFL-EAS Hon. Matthew F. Leitman</p>
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**PLAINTIFF ARLEEN KOSAK'S
NOTICE OF SUPPLEMENTAL AUTHORITIES**

Plaintiff, individually and on behalf of all others similarly situated, submits this Notice of Supplemental Authorities to apprise the Court of recent decisions relevant to Plaintiff's Motion for Leave to File a Second Amended Complaint and the related briefing (ECF Nos. 17–20).¹ In Defendant's responsive briefing, it argues that any proposed amendment by Plaintiff here is futile. *See* Defendant's Response to Plaintiff's Motion for Leave to Amend (ECF No. 18) and Defendant's Motion for Leave to File Sur-Reply (ECF No. 20); *see also* Defendant's Motion for Leave to File Supplemental Authority (ECF No. 21). The recently issued decisions described below, and attached hereto as exhibits, are relevant to this issue.

1. Following the filing of Plaintiff's Reply in Support of Plaintiff's Motion for Leave to Amend on February 23, 2023 (ECF No. 19), two courts of the Western District of Michigan have recently issued opinions denying motions to dismiss claims for violation of the Michigan PPPA – claims which arose from allegations similar to Plaintiff's allegations here.

2. On July 7, 2023, the Honorable Hala Y. Jarbou issued a decision denying the defendant's motion to dismiss in *Gottsleben v. Informa Media, Inc.*, No. 1:22-cv-866 (W.D. Mich. July 7, 2023), a PPPA action similar to the instant matter. A copy of the *Gottsleben* decision is attached hereto as **Exhibit A**.

¹ These authorities are also relevant to the authority which Defendant has sought leave to file with the Court on March 8, 2023. *See* Defendant's Motion for Leave to File Supplemental Authority (ECF No. 21).

3. On July 13, 2023, the Honorable Hala Y. Jarbou issued a decision denying the defendant's motion to dismiss in *Schreiber v. Mayo Foundation for Medical Education and Research*, No. 2:22-cv-188 (W.D. Mich. July 13, 2023), a PPPA action also similar to the instant matter. A copy of the *Schreiber* decision is attached hereto as **Exhibit B**.

Dated: July 27, 2023

Respectfully submitted,

ARLEEN KOSAK,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller
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